

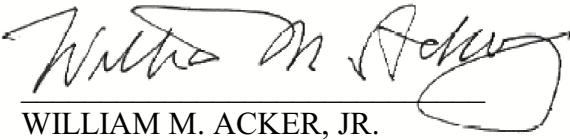
**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

RICHARD A. PARDUE,)
)
Petitioner,)
)
v.) CIVIL ACTION NO. 02-RRA-0627-E
)
WARDEN ARNOLD HOLT, et al.,)
)
Respondent(s).)

MEMORANDUM OPINION

This is a habeas corpus petition. The magistrate judge entered a report and recommendation recommending that the respondents' motion for summary judgment be granted and this action dismissed. Objections have been filed, and the petitioner filed a motion to dismiss without prejudice. The court has considered the entire file in this action, together with the report and recommendation, the objections thereto, and the petitioner's motion, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved. Wherefore, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. Accordingly, this habeas petition is due to be dismissed, and the petitioner's motion to dismiss without prejudice is due to be denied. An appropriate order will be entered.

DONE this 18th day of August, 2005.



WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE